

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IHAB NADHIM KIFAH,

Petitioner,

v.

JOHN ZANONI, SHERIFF,

Respondent.

Case No. 1:24-cv-00856-JLT-SKO-HC

ORDER CONSTRUING MOTION TO
DISMISS AS MOTION TO CORRECT
DOCKET AND RE-SERVE ORDER ON
ATTORNEY GENERAL
[Docs. 8, 11]

ORDER DIRECTING CLERK OF COURT
TO CORRECT DOCKET TO REFLECT
CASE PROCEEDING UNDER § 2254

Petitioner is a state pretrial detainee proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. He filed the instant petition on July 25, 2024. (Doc.1.) He then filed an amended petition on August 29, 2024. (Doc. 7.) On September 10, 2024, the Court issued an order directing Respondent to file a response. (Doc. 8.) On November 7, 2024, the Office of the U.S. Attorneys 2241 Unit filed the instant motion to dismiss the Bureau of Prisons as a respondent. (Doc. 11.)

Upon review of the docket, it appears the case was erroneously opened as a § 2241 habeas petition. As the Court's order to respond noted, Petitioner is a state pretrial detainee and the matter is proceeding under § 2254. Due to this error, the Court's order to respond was electronically served on the U.S. Attorney's Office as counsel for the Bureau of Prisons rather than the Office of the California Attorney General as counsel for Petitioner's immediate

1 custodian, the Fresno County Sheriff.¹

2 Accordingly, the U.S. Attorney's motion to dismiss is construed as a motion to correct
3 the docket. The motion is granted and the Clerk of Court is directed to correct the docket to
4 reflect the case as proceeding under § 2254, Respondent be corrected to John Zanoni, Sheriff,
5 and Counsel for Respondent be corrected to the California Attorney General's Office. The
6 Clerk of Court is further DIRECTED to re-serve the order to respond, (Doc. 8), on the
7 California Attorney General's Office. All deadlines set forth in the order to respond are hereby
8 reset as of the date of re-service.

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10 IT IS SO ORDERED.

11 Dated: November 12, 2024

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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28 ¹ On August 29, 2024, Petitioner amended his petition to name John Zanoni, Fresno County Sheriff, as
the sole respondent in this matter. (Doc. 7.)